

Notice of Allowability

Application No.

10/688,898

Examiner

Robert Mosser

Applicant(s)

SCHUGAR, DAVID

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed July 13th, 2006.
2. ☒ The allowed claim(s) is/are 1-2, 4-13, 21-24, 29, and 35-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 7-25-2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the Applicant's representative Jon Muskin on July 24th, 2006.

The application has been amended as follows:

In claim 1, and after "receiving a second wager" on line 8 of the claim insert - - , when the piece is in the further position, - - such that line 8 through 9 of claim 1 will read,

"receiving a second wager, when the piece is in the further position, that the piece will reach a second desired end, the second desired end being different from the first desired end"

Delete Claim 3.

After claim 36 insert, new claim 37 as follows:

Claim 37. (new) A method as recited in claim 1, wherein, for the second wager, a particular discrete position has an associated particular first end payout for the piece to reach the first end and an associated particular second end payout for the piece to

reach the second end, and a different discrete position has an associated different first end payout for the piece to reach the first end and an associated different second end payout for the piece to reach the second end, the particular first end payout and the different first end payout being different from each other.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The prior art of record does not fairly teach or reasonably suggest a game including a linear playing field with a plurality of discrete positions wherein a piece moves towards either end of the linear field in accordance with a random determination and a first wager is placed on the occurrence of the piece reaching first end of the linear field and a second wager placed after the piece commences movement, with a payout reflective of the changed position that the piece will reach a second end different from the first end.

The art of record when considered alone or in combination does not teach or reasonably suggest a linear playing field with multiple wagers wherein the second wager is placed after the commencement of the game and the payout of the second wager is reflective of the piece position at the time of the placement of the second wager. Additionally the art of record when considered alone or in combination does not teach or reasonably suggest the claimed method of a player placing a wager on which end of a linear playing field a piece will reach responsive to a random number generator in combination with the a player wager on the number of time a random number generator will be invoked prior to the piece reaching an end of the linear playing field.

Examiner's Comment

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution accordingly claim **3** been renumbered claim **37**.

Conclusion

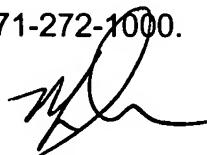
Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MARK SAGER
PRIMARY EXAMINER

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